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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,100	08/07/2001	Thomas W. Baker	T. W. BAKER 10-1	1889
47396	7590	04/19/2007	EXAMINER	
HITT GAINES, PC			COLBERT, ELLA	
LSI Corporation			ART UNIT	
PO BOX 832570			PAPER NUMBER	
RICHARDSON, TX 75083			3694	
SHORTENED STATUTORY PERIOD OF RESPONSE		NOTIFICATION DATE		DELIVERY MODE
3 MONTHS		04/19/2007		ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/924,100

Applicant(s)

BAKER ET AL.

Examiner

Ella Colbert

Art Unit

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-8,11-15 and 18-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-8,11-15 and 18-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 03/08/07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1, 4—8, 11-16, and 18-21 are pending. Claims 1, 8, and 15 have been amended in this communication filed 1/04/07 entered as Response After Non-Final Action.
2. The IDS filed 03/08/07 has been entered and considered.
3. The amended Specification has overcome the Specification objection and is hereby withdrawn.
4. The 35 USC 112 First Paragraph Rejection for Claims 1, 8, and 15 is hereby withdrawn.
5. As a preliminary matter, the Examiner would appreciate the Applicant either submitting pertinent pages of the reference or the reference in its entirety entitled "Electronic Payment Systems" by Donal O'Mahony, Michael Peirce, and Hitesh Tewart, Artech House (1997) cited in the Applicant's Specification. If the book is provided, it will be returned to the Applicant upon completion of the prosecution of the application.

Claim Objections

6. Claim 8 is objected to because of the following informalities: Method claim 8 is in the improper method claim format. A method claim begins with a word ending in "ing". Claim 8 should recite as follows: "receiving wirelessly payment information ...; ..., ..., ...; ...; and transmitting wirelessly said content to said requestor. The issue is not the lack of clarity but the proper format for a method claim. Appropriate correction is required.

Claim Rejections - 35 USC § 103

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7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over (EP 0917327) Nikander.

Claim 1. Nikander discloses, A content vending machine for wireless delivery of content, comprising: a request receiver configured to wirelessly receive payment information and a content request from a requestor (col. 3, [0010]-[0012]); and a request fulfiller, associated with said request receiver, configured to verify said payment information, retrieve content responsive to said content request and wirelessly transmit said content to said requestor (col. 3, [0013]-col. 4, line 9 and [0017] –col. 5, line 2 and [0022]-col. 6, line 7). Nikander did not expressly disclose a request fulfiller. However, Nikander did disclose a system for responding to requests (this is interpreted as a request fulfiller).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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10. Claims 4- 7, 11-14, and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over (EP 0917327) Nikander in view of (W0 01/57617 A2) Blackson et al, hereafter Blackson. Priority date 05 February 2000 (US 60/180,490).

Claims 4, 11, and 18, Nikander failed to disclose, wherein said requestor is a personal digital assistant. Blackson discloses, wherein said requestor is a personal digital assistant (Page 15, lines 9-13). It would have been obvious to one having ordinary skill in the art at the time of the invention to have the requestor as a personal digital assistant and to modify in Nikander because such a modification would allow Nikander to have a more efficient way of communicating payment information.

Claims 5, 12, and 19, Nikander failed to disclose, content is selected from the group consisting of: computer data, audio data, and video data. Blackson discloses, wherein said content is selected from the group consisting of: computer data, audio data, and video data (Page 2, lines 1-23, Page 12, lines 19-22, Page 14, lines 1-10). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the content selected from the group consisting of computer data, audio data, and video data and to modify in Nikander because such a modification would allow Nikander to have another means of the efficient selection of content for payment information.

Claims 6, 13, and 20, Nikander failed to disclose, request fulfiller comprises a Bluetooth-compliant transmitter configured to wirelessly transmit said content to said requestor. Blackson discloses, wherein said request fulfiller comprises a Bluetooth-compliant transmitter configured to wirelessly transmit said content to said requestor

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(Page 15, lines 3-9 (Bluetooth)). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the requester comprise a bluetooth-compliant transmitter for wireless transmission of the content to a requester and to modify in Nikander because such a modification would allow Nikander to wirelessly tap into an already existing Internet connection and to use a phone as a wireless modem for a laptop to transmit content.

Claims 7, 14, and 21, Nikander failed to disclose, wherein said content vending machine is coupled to a communications network. However, Nikander does have a network which could be used to couple a content vending machine to since it acts as a communications network. Blackson discloses wherein said content vending machine is coupled to a communications network (Page 6, lines 6-16 and line 22 –Page 7, line 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a content vending machine coupled to a communication network and to modify in Nikander because such a modification would allow Nikander to have a faster and more efficient way to receive content.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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12. Claims 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over (W0 01/57617 A2) Blackson et al, hereafter Blackson. Priority date 05 February 2000 (US 60/180,490) and (EP 0917327) Nikander.

Claim 8. Blackson further discloses, A method for wirelessly delivering content, comprising: verifying said payment information by a request fulfiller, associated with said request receiver, of said content vending machine (Page 11, lines 3-26).

This independent claim is rejected for the similar rationale as given above for claim 1.

Claim 15. Blackson discloses, An information delivery system for wireless delivery of content over a communications network, comprising: a content reservoir coupled to said communications network that stores content (Page 11, lines 12-26); and a content vending machine, coupled to said content reservoir, including: a request receiver that receives payment information and a content request from a requestor (Page 9, lines 11-28 and Page 11, line 27 –Page 12, line 22). This independent claim is rejected for the similar rationale as given above for claims 1 and 8.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

CNN.com "Toshiba brings Bluetooth to market" by Cameron Crouch disclosed Bluetooth short-range wireless technology that connects devices.

"Personal Area Network: A Bluetooth Primer" by Albert Proust disclosed a small form factor, low-cost, short range radio that links between mobile PCs, mobile phones and other portable devices.

News Releases: "Hitachi Releases 16-bit single-chip H8S/2214F Microcontroller for Bluetooth-enabled application –Allowing shorter development period and smaller, lower-cost product for Bluetooth-enabled application" disclosed the 16-bit single-chip H8S/2214F microcon for use in products that support the Bluetooth network technology, providing wireless interconnection of mobile phones, notebook PCs, and similar devices.

Although the Examiner has pointed out particular references contained in the prior art(s) of record in the body of this action, the specified citations are merely representative of the teachings in the art as applied to the specific limitations within the individual claim. Since other passages and figures may apply to the claimed invention as well, it is respectfully requested that the applicant, in preparing the response, to consider fully the entire references as potentially teaching all of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the Examiner.

Inquiries


14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Monday, Tuesday, and Thursday, 5:30AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

April 11, 2007


ELLA COLBERT
PRIMARY EXAMINER